

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

DONNA YATES d/b/a)	
YATES AUTO SERVICE,)	
)	Docket No.: 2:13-CV-00127
Plaintiff,)	JURY DEMAND
v.)	JUDGE SHARP
)	MAGISTRATE JUDGE BROWN
BUTCH BURGESS, Individually and)	
In his Official Capacity as Sheriff of)	
Cumberland County, Tennessee,)	
)	
Defendant.)	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S
MOTION TO STAY DISCOVERY**

Plaintiff Donna Yates filed this action alleging due process violations and estoppel after her and her husband’s automotive towing business, Yates Auto Service, was removed from the the Cumberland County Sheriff Department’s wrecker rotation call list. Pursuant to Fed. R. Civ. P. 12(c), Defendant Butch Burgess expects to file a Motion for Judgment on the Pleadings before this Court within the next couple of weeks. Accordingly, Defendant asks that all discovery and disclosures be stayed, pending this Court’s resolution of his forthcoming Rule 12(c) motion.

ARGUMENT

Under Rule 26(c) of the Federal Rules of Civil Procedure, a district court may stay discovery for “good cause shown.” “Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined.” *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir. 1999). A stay of discovery may be appropriate where a case is subject to dismissal based upon “legal determinations that could

not have been altered by any further discovery.” *Muzquiz v. W.A. Foote Mem’l. Hosp., Inc.*, 70 F.3d 422, 430 (6th Cir. 1995).

Defendant Burgess believes that Plaintiff’s claims against him are precluded by qualified immunity, GTLA Immunity, and are also appropriately dismissed on other grounds. Discovery is not expected to alter the legal issues that must be determined by this Court relative to the forthcoming motion. Further, no discovery will be necessary if the 12(c) motion is granted.

For the foregoing reasons, the Defendant requests that the Court enter an order staying discovery pending the resolution of his prospective Motion for Judgment on the Pleadings.

Respectfully submitted,

/s/ El Shon D. Richmond
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 28th day of February 2014, a true and correct copy of the foregoing has been forwarded via the Court’s electronic filing system to:

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/s/ El Shon D. Richmond
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